John Halpern, a Bain & Company Co-founder sued for sexual abuse and sexual assault. John Halpern was a co-founder of Bain & Company and its second-largest shareholder, also serving as its Vice Chairman until 1990. Prior to forming Halpern, Denny & Co., Halpern also held consulting positions at Boston Consulting Group. He is a graduate of Yale University and holds an M.B.A. from Harvard Business School.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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CHRISTOPHER MICHAEL AUSNIT,

Plaintiff,

-against-

JOHN DALE HALPERN,

Defendant.

Index No.:

SUMMONS

Venue based on CPLR § 503(a): *Situs of Events*

Jury Trial Demanded

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SIR/MADAM:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer on the undersigned attorneys for Plaintiff, AIDALA, BERTUNA & KAMINS P.C., at 546 5th Avenue, New York, New York, 10036, within twenty (20) days after the service of this Summons and Complaint, exclusive of the day of service, or within thirty (30) days after the service is complete, if this Summons is not personally delivered to you within the State of New York. In the case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint, together with the costs of this action.

AIDALA, BERTUNA & KAMINS, P.C.

BY: _____
IMRAN H. ANSARI, ESQ.

_____
ROSARIO BONA, ESQ.

Attorneys for Plaintiff
546 5th Avenue, 6th Floor
New York, New York
(212) 486-0011
iansari@aidalalaw.com
rbona@aidalalaw.com

TO:

JOHN DALE HALPERN
250 Pendleton Avenue
Palm Beach, Florida 33480

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----------X

CHRISTOPHER MICHAEL AUSNIT,

Plaintiff,

-against-

JOHN DALE HALPERN,

Defendant.

Index No.:

VERIFIED COMPLAINT

Venue based on CPLR § 503(a): *Situs of Events*

Jury Trial Demanded

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Plaintiff, CHRISTOPHER MICHAEL AUSNIT, by and through his attorneys, Aidala, Bertuna & Kamins P.C., files this VERIFIED COMPLAINT against Defendant JOHN DALE HALPERN, and alleges upon knowledge concerning his own acts and upon information and belief as to all other matters, as follows:

NATURE OF ACTION

1. Plaintiff Christopher Michael Ausnit (hereinafter "Plaintiff") was sexually assaulted and abused by Defendant John Dale Halpern (hereinafter "Defendant") multiple times during an extensive and extenuating period of time, ranging between 1972 and 1994, approximately. The abuse was systematic, repetitive, horrific, outrageous, and spanned from when the Plaintiff was a minor, to adulthood, causing extensive psychological trauma and emotional distress.

2. This action is brought pursuant to the New York Adult Survivors Act, CPLR § 214-j.[1] The conduct at issue constituted sexual offense(s) in violation of a section within Article 130 of

[1] CPLR § 214-j recites as follows: "Certain sexual offense actions. Notwithstanding any provision of law which imposes a period of limitation to the contrary and the provisions of any other law pertaining to the filing of a notice of claim or a notice of intention to file a claim as a condition precedent to commencement

the New York Penal Law,[2] and resulted in physical, psychological, and emotional injuries. As a civil cause of action was previously time-barred prior to August 14, 2019, the Adult Survivors Act, CPLR § 214-j, revives the claims set forth below.

3. This action is timely because it falls within the above-mentioned CPLR § 214-j and is brought during the one-year time period set forth in that section. The claims brought herein allege intentional acts for physical, psychological, and other injury suffered as a direct and proximate result of conduct that would constitute sexual offenses as defined in Article 130 of the New York Penal Law, and such acts were committed against Plaintiff also when he was eighteen years of age or older.

4. Specifically, the conduct that gives rise to Plaintiff's claims herein are Defendant's violations of the New York Penal Law (hereinafter "P.L."), including but not limited to, P.L. § 130.20 (sexual misconduct), P.L. § 130.52 (forcible touching), P.L. § 130.80 (course of sexual conduct against a child in the second degree), and P.L. § 130.91 (sexually motivated felony), all constituting a sexual offense as defined in Article 130 of the New York Penal Law.

PARTIES AND JURISDICTION

5. At all times material hereinafter mentioned, Plaintiff was a resident of New York County, New York. Plaintiff is now a resident of Florida.

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of an action or special proceeding, every civil claim or cause of action brought against any party alleging intentional or negligent acts or omissions by a person for physical, psychological, or other injury or condition suffered as a result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the penal law committed against such person who was eighteen years of age or older, or incest as defined in section 255.26 or 255.27 of the penal law committed against such person who was eighteen years of age or older, which is barred as of the effective date of this section because the applicable period of limitation has expired, and/or the plaintiff previously failed to file a notice of claim or a notice of intention to file a claim, is hereby revived, and action thereon may be commenced not earlier than six months after, and not later than one year and six months after the effective date of this section. In any such claim or action, dismissal of a previous action, ordered before the effective date of this section, on grounds that such previous action was time barred, and/or for failure of a party to file a notice of claim or a notice of intention to file a claim, shall not be grounds for dismissal of a revival action pursuant to this section."

[2] For further reference, please see NY CLS Penal, Pt. Three, Title H, Art. 130.

6. At all times material hereinafter mentioned, Defendant was a resident of either Massachusetts or Florida. Defendant currently resides in Palm Beach, Florida

7. Plaintiff is a 56-year-old actor, and he was born and raised in the City and State of New York.

8. Defendant is a 76-year-old private equity investment manager, and at all relevant time periods herein, was either residing or present in the States of Connecticut, Florida, Massachusetts, New York, and New Hampshire.

9. Defendant is Plaintiff's maternal uncle.

10. At all times material hereinafter mentioned, Defendant was an individual liable to the Plaintiff and subject to this Court's jurisdiction.

11. This Court has jurisdiction over this matter pursuant to CPLR § 301.

12. Venue is proper pursuant to CPLR § 503(a) because a substantial part of the events giving rise to the within claims occurred in New York County.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

13. Plaintiff, as detailed herein, was subjected to repeated sexual and emotional harassment and abusive behavior by Defendant, causing Plaintiff to suffer significant stress, pain, suffering, embarrassment, and physical as well as mental anguish.

14. Plaintiff was born on February 22, 1967, at New York Hospital. He was raised in Manhattan in his grandfather and father's building – 525 Park Avenue. Plaintiff attended the Dalton School First Program, Buckley School, and then Saint David's School from first to eighth grade. Plaintiff continued at St. Ann's School, went to college for two years at Vassar, and finished his undergraduate studies at Columbia.

15. Despite Plaintiff's education in prestigious institutions and upbringing in affluent New York City neighborhoods, his childhood and adolescence were characterized by numerous instances of significant mistreatment inflicted by Defendant, his maternal uncle.

16. Defendant developed a recurring pattern of sexual and violent abuse of Plaintiff since his youngest age, exploiting the control he had over him. Plaintiff's mother failed to intervene, and in fact condoned, if not encouraged, the Defendant's behavior.

17. Defendant used his power, influence, and authority, to physically and sexually assault Plaintiff multiple times.

18. Plaintiff's earliest memories of the beating and sexual abuses he was suffering from Defendant date back to when he was attending second and third grade. Plaintiff could hardly sleep at night and often wet his bed for the anxiety and fear he was subjected to.

19. Defendant masturbated in front of Plaintiff and attempted to forcibly masturbate Plaintiff several times. Every time he had the chance, Defendant attempted to assault Plaintiff, forcefully trying to touch Plaintiff's intimate parts, and trying to make Plaintiff touch Defendant's intimate parts.

20. Defendant's modus operandi has always been outrageous and violent. Defendant beat, hit, and kicked Plaintiff, and then would touch, or attempt to touch, Plaintiff's genitals against Plaintiff's will. Despite his limited strength and understandable shock, Plaintiff always tried to fight back, run away, and to hide somewhere to avoid Defendant's anger and despicable sexually deviant actions. Defendant also used to get into bed with Plaintiff several times to sexually abuse him. If Plaintiff did not comply with Defendant's sexual advances, Defendant would beat Plaintiff with a shoe or a brush.

21. This pattern of abuse has evolved and occurred in several Halpern family home locations, including properties located in New Hampshire, Massachusetts, Connecticut, Florida, and New York. The despicable and terrible actions Plaintiff had to suffer occurred mainly in Manhattan, but also in East Hampton, New York. Such abuse occurred well over thirty times.

22. In or around 1973, while in Boston with Defendant, Defendant abused Plaintiff and touched his genitals, causing Plaintiff to break into tears. After that occurred, Defendant violently screamed at Plaintiff "Stop crying! Do not let anyone see you crying!" as he feared that his neighbor – Tom O'Neil – could witness what was happening. In many other occasions, Defendant yelled at Plaintiff that he had embarrassed him by crying in front of his neighbor.

23. Defendant also spent time alone with Plaintiff in a vacation home in New Hampshire. At least ten times, Defendant molested, abused, and hit Plaintiff in this house.

24. In or around 1979, Plaintiff's mother and her husband decided to divorce. At the age of twelve, Plaintiff provided testimony during his parents' divorce and asked Judge Hortense Gabel not to live with his mother anymore and to be emancipated, to escape his uncle, and abusive household.

25. During the divorce proceedings, Plaintiff was assigned an appointed child psychiatrist, to whom Plaintiff shared his traumatized observations of Defendant's genitals. Plaintiff also reported this to the Court.

26. During the divorce proceedings, Plaintiff was also assigned guardian ad litem to whom Plaintiff also revealed the nature of Defendant's abuse in detail.

27. At the end of ninth grade, Plaintiff's mother tried to send Plaintiff to a residential school for criminal offenders because of the testimony and revelations Plaintiff provided during the divorce proceedings.

28. Around 4 months later, Plaintiff felt compelled to run away and go live with his father. Some weeks later, Plaintiff's father left New York for business purposes and Plaintiff's mother brought him back to her home.

29. Plaintiff's father petitioned the Court handling the divorce proceedings for custody of Plaintiff. Eventually, however, Plaintiff's mother obtained custody and child support. After Plaintiff repeated how he did not want to live with his mother based on the history of past abuse, the Judge allowed Plaintiff to live by himself, while the mother could still receive the child support money to pay for Plaintiff's necessary expenses. Plaintiff was given an apartment at 525 Park Avenue, a building owned by his father.

30. In or around 1982, Plaintiff's maternal aunt moved in the same building and, after the divorce proceedings were over, Plaintiff started to live with his aunt, as Plaintiff's father was constantly traveling for business and eventually moved to Los Angeles. The divorce Judge endorsed this.

31. While living with his aunt at 525 Park Avenue, and after Plaintiff turned eighteen years old, Defendant abused Plaintiff several times.

32. Plaintiff tried to have a guardian ad litem remove him from his aunt's oversight several times. The aunt was furious about those attempts and several times called Defendant to come over the apartment and "discipline" or intimidate Plaintiff through physical violence.

33. Defendant used to arrive in the apartment, hide or ambush somewhere, and scare Plaintiff by suddenly grabbing him from behind. Defendant would grab Plaintiff by his throat and penis. Defendant also used to twist Plaintiff's arm and would violently squeeze and twist Plaintiff's penis while berating him.

34. Plaintiff often had no other choice than running away and hiding or leaving the apartment. However, when Plaintiff attempted to resist, Defendant used to react with anger and hit Plaintiff to scare him and attempt to dominate him. Defendant used to firmly put his hands on Plaintiff's mouth and try to choke him. These violent episodes occurred at 525 Park Avenue more than twenty times.

35. Plaintiff also used to complain about Defendant's conduct to his grandmother, who lived in an apartment at the Ritz Tower, in Manhattan.

36. Around ten times and when Plaintiff was over the age of eighteen, Defendant would encounter Plaintiff in his grandmother's apartment and would engage in the same violent and abusive pattern. In or around 1986, for instance, Defendant struck Plaintiff in his face at his grandmother's apartment and Plaintiff ended up with a bloody lip.

37. Plaintiff's mother also had a house in Georgica Close Road, East Hampton, New York. Plaintiff would go stay in this house periodically as his mother was often not there.

38. Around ten times during the period between 1985 and 1990, when Plaintiff was over the age of eighteen, Defendant came to the house in East Hampton and intimidated him with threats of violence and punishment. These episodes would often end up with Defendant hitting Plaintiff and once again grabbing Plaintiff's genitals without consent.

39. During the aforementioned timeframe when Plaintiff was above the age of eighteen, Defendant purposefully initiated a disturbing pattern of ambushing, assaulting, and forcefully seizing Plaintiff's genitals, reminiscent of prior abuses during his younger years. This reprehensible behavior was intended to intimidate Plaintiff and exert psychological control over him.

40. In or around the year 1994, Plaintiff felt compelled to evade the violent environment he was continually exposed to and decided to move to Los Angeles, California.

41. In the period between 1985 and 1995, Plaintiff regularly met with a child psychiatrist and obtained counseling for his post-traumatic stress disorder, emotional distress, depression, and his problems sleeping at night. Moreover, after moving to Los Angeles, California, Plaintiff regularly met a doctor for counseling from 2008 to 2013.

42. The factual contentions outlined above are corroborated by at the minimum two individuals who provided statements attesting to their awareness of Plaintiff's outcry and history of trauma and sexual abuse. See statements attached hereto as **EXHIBIT A** and **EXHIBIT B**. Furthermore, Plaintiff talked about these deplorable abuse at the hands of the Defendant to many other friends and acquaintances at or around the time of the events, or in the years thereafter.

43. Upon information and belief, Defendant has engaged in the same or similar pattern of conduct and has sexually assaulted and molested other individuals.

44. The occurrence of similar facts at the detriment of different individuals over considerably disparate time periods illustrates and highlights Defendant's predisposition to assault others, underscoring the imperative need for justice to prevail.

45. As a direct and proximate result of Defendant's conduct described herein, Plaintiff has suffered and will continue to suffer, great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, depression, physical, personal, and psychological injuries.

46. As a direct and proximate result of Defendant's conduct described herein, Plaintiff was prevented, and will continue to be prevented from performing normal daily activities and obtaining the full enjoyment of life. Indeed, Plaintiff sustained social disruption, adjustment problems, and a loss of confidence in his ability to develop social and intimate relationships.

Plaintiff has no familial relations, life partner, or progeny, is still traumatized, and his life is heavily affected by the experiences he suffered at Defendant's hands.

47. As a direct and proximate result of Defendant's conduct described herein, Plaintiff felt extremely humiliated, degraded, victimized, embarrassed, emotionally distressed, extremely distraught, and intimidated. Therefore, Plaintiff sustained severe emotional trauma, depression, illness, hopelessness and anxiety, and other irreparable harm resulting from the pattern of violent and sexual abuse pursued by Defendant and other family members. As a consequence, Plaintiff has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling, and, on information and belief, has and/or will incur loss of income and/or loss of earning capacity.

48. As a result of the Defendant's intolerable and outrageous treatment of Plaintiff, he has suffered the physical and psychological ailments detailed above.

49. As a result of the above, Plaintiff has been damaged in an amount which exceeds the jurisdiction limits of all lower Courts.

50. As Defendant's conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law, Plaintiff respectfully demands Punitive Damages as against Defendant.

COUNT I
SEXUAL ASSAULT

51. Plaintiff re-alleges and incorporates by reference each and every allegation in the previous paragraphs as though fully set forth herein.

52. As described above, Defendant violently, forcibly, and against Plaintiff's will and without his consent, frightened and placed him in apprehension of harm when he inflicted unwanted sexually oriented touching and other offensive physical contact.

53. As described above, Defendant committed sexual assault against Plaintiff because he intentionally placed Plaintiff in apprehension of harm by engaging in unpermitted, unlawful, intentional, and offensive touching of sexual nature or application of force to Plaintiff's person.

54. In fact, Defendant forcibly touched the sexual or other intimate parts of Plaintiff for the purpose of degrading or abusing Plaintiff, or for the purpose of gratifying Defendant's sexual desire.

55. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered physical and psychological injuries, severe emotional distress, humiliation, embarrassment, anxiety, loss of enjoyment of life, extreme emotional trauma, and other consequential damages.

56. Defendant's conduct described above was willful, wanton, and malicious. At all relevant times, Defendant acted with conscious disregard of Plaintiff's consent, rights, and feelings.

57. Defendant acted with knowledge of or with reckless disregard for the fact that his conduct was certain to cause injury and/or humiliation to Plaintiff, and intended to cause fear, physical injury, and/or pain and suffering to Plaintiff.

58. By virtue of the foregoing, Plaintiff is entitled to recover compensatory damages, together with punitive and exemplary damages from Defendant according to proof at trial.

COUNT II
SEXUAL BATTERY

59. Plaintiff re-alleges and incorporates by reference each and every allegation in the previous paragraphs as though fully set forth herein.

60. As described above, Defendant violently, forcibly, and against Plaintiff's will and without his consent, subjected him to bodily harm when he inflicted unwanted sexually oriented touching and other offensive physical contact.

61. As described above, Defendant committed sexual battery against Plaintiff because he intentionally engaged in unpermitted, unlawful, intentional, and offensive touching of sexual nature or application of force to Plaintiff's person.

62. In fact, Defendant forcibly touched the sexual or other intimate parts of Plaintiff for the purpose of degrading or abusing Plaintiff, or for the purpose of gratifying Defendant's sexual desire.

63. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered physical and psychological injuries, severe emotional distress, humiliation, embarrassment, anxiety, loss of enjoyment of life, extreme emotional trauma, and other consequential damages.

64. Defendant's conduct described above was willful, wanton, and malicious. At all relevant times, Defendant acted with conscious disregard of Plaintiff's consent, rights, and feelings.

65. Defendant acted with knowledge of or with reckless disregard for the fact that his conduct was certain to cause injury and/or humiliation to Plaintiff, and intended to cause fear, physical injury, and/or pain and suffering to Plaintiff.

66. By virtue of the foregoing, Plaintiff is entitled to recover compensatory damages, together with punitive and exemplary damages from Defendant according to proof at trial.

COUNT III
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

67. Plaintiff re-alleges and incorporates by reference each and every allegation in the previous paragraphs as though fully set forth herein.

68. Defendants engaged in extreme and outrageous conduct and beyond the bounds of decency tolerated in civilized society toward Plaintiff.

69. Defendants intended to cause or disregarded a substantial probability of causing severe emotional distress to Plaintiff.

70. There exists a causal connection between the above conduct and said injury.

71. As a direct and proximate result of said conduct Plaintiff suffered and suffers from severe emotional distress including problems sleeping, anxiety, neurological problems, post-traumatic stress disorder, and other ailments.

72. Defendant's conduct described above was willful, wanton, and malicious. At all relevant times, Defendant acted with conscious disregard of Plaintiff's consent, rights, and feelings.

73. Defendant acted with knowledge of or with reckless disregard for the fact that his conduct was certain to cause injury and/or humiliation to Plaintiff, and intended to cause fear, physical injury, and/or pain and suffering to Plaintiff.

74. By virtue of the foregoing, Plaintiff is entitled to recover compensatory damages, together with punitive and exemplary damages from Defendant according to proof at trial.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing causes of action, Plaintiff prays for judgment against Defendant in an amount that will fully and fairly compensate Plaintiff for Plaintiff's injuries and damages and for any other relief the Court deems appropriate. The amount of damages sought in this Complaint exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, including but not limited to:

a. a declaratory judgment that the actions, conduct and practices of Defendant complained of herein violate the laws of the State of New York and the City of New York;

b. a money judgment representing compensatory damages including consequential damages, lost wages, earning, and all other sums of money, together with interest on these amounts, according to proof;

c. an award of money judgment for mental pain and anguish and severe emotional distress, according to proof;

d. punitive and exemplary damages according to proof;

e. equitable damages and/or relief;

f. attorneys' fees and costs with appropriate enhancement;

g. pre-judgment interest and post-judgment interest; and

h. such other relief as may be available and which this Court deems to be fair, just, and equitable.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

DATED: November 22, 2023
New York, New York

Respectfully submitted,

AIDALA, BERTUNA & KAMINS P.C.

By: _____
IMRAN H. ANSARI, ESQ.

_____
ROSARIO BONA, ESQ.

Attorneys for Plaintiff
546 5th Avenue, 6th Floor
New York, New York
(212) 486-0011
iansari@aidalalaw.com
rbona@aidalalaw.com

ATTORNEY' S VERIFICATION

IMRAN H. ANSARI, an attorney admitted to practice in the Courts of New York State, affirms the following to be true under the penalties of perjury: I am an attorney at AIDALA BERTUNA & KAMINS, P.C., attorneys of record for Plaintiff, CHRISTOPHER MICHAEL AUSNIT. I have read the foregoing VERIFIED COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters I believe to be true. The reason this verification is made by me and not by my client, is that my client is not presently in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigation conducted by my office.

DATED: November 22, 2023
New York, New York

Respectfully submitted,

AIDALA, BERTUNA & KAMINS P.C.

By:

IMRAN H. ANSARI, ESQ.
Attorneys for Plaintiff
546 5th Avenue, 6th Floor
New York, New York
(212) 486-0011
iansari@aidalalaw.com